

12/27/01

JC966 U.S. PTO

01-03-02

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/564,521	PRIOR APPLICATION FILING DATE: MAY 4, 2000
NRI-001CN	CLASS:	SUBCLASS:	EXAMINER: FUBARA, B.	ART UNIT: 1615

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 WASHINGTON, D.C. 20231

101011 U.S. PTO
 10/034981
 12/27/01

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: December 27, 2001Mailing Label Number: EL 931 674 191 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor
 Name of Person Mailing Paper

Larry Taylor
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 09/564,521 filed on May 4, 2000, of Keith R. Edwards entitled Intravenous Valproate for Acute Treatment of Migraine Headache.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 13 page(s) of specification
 - ☒ 2 page(s) of claims
 - ☒ 1 page(s) of abstract
 - ☒ 5 page(s) of executed declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application Serial No. 09/564,521 as originally filed on May 4, 2000.

2. ☒ Applicant claims small entity status. See 37 CFR 1.2.
3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 15	MINUS	** 20	= 0
INDEP.	* 1	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 42 =	\$0.00
+140 =	\$0.00
BASIC FEE	\$370.00
TOTAL	\$370.00

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$0.00
x 84 =	\$0.00
+ 280 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

OR

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4. ☐ The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
5. ☒ **THE FILING FEE IS NOT BEING PAID AT THIS TIME.**
6. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by replacing the first paragraph with the following text: This application is a continuation application of U.S. Patent Application Serial No. 09/564,521, entitled "Intravenous Valproate for Acute Treatment of Migraine Headache", filed May 4, 2000, (pending) which claims the benefit of prior-filed U.S. Provisional Patent Application Serial No. 60/132,416, entitled "Intravenous Valproate for Acute Treatment of Migraine Headache", filed May 4, 1999." The entire contents of the above-referenced applications are incorporated herein by reference.
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☒ Priority of application Serial No. 60/132,416 filed on May 4, 1999 in United States of America is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application
Serial No. _____ filed on _____.
- ☒ The certified copy will follow.
11. ☒ A Request for Three-Month Extension of Time has been submitted in the parent application Serial No. 09/564,521 in order to establish copendency with the present application. A copy is attached herewith.
12. ☒ Also enclosed is a pre-paid acknowledgement postcard.
13. ☒ The executed power of attorney in the prior application is to LAHIVE & COCKFIELD, LLP.
- a. ☒ The executed power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
14. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Esq. at Customer Number: 000959 whose address is:

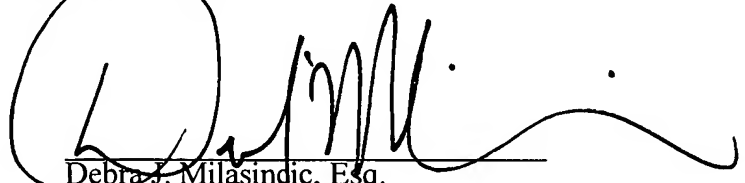
Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

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15. ☐ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. _____. Please use the computer readable form of application serial no. _____ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. _____ are the same.

December 27, 2001
Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400


Debra J. Milasindic, Esq.
Reg. No. 46,931

- ☐ inventor(s) ☐ filed under §1.34(a)
☐ assignee of complete interest
☒ attorney or agent of record

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